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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
STRATEGIC POLICY DEVELOPMENT

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Wesley Chesbro

Ms. Rosalie Mul

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Executive Director

Mr. Elliot Block, Staff Counsel

Ms. Kristen Garner, Executive Assistant

Ms. Debra Kustic, Staff

Mr. Howard Levenson, Deputy Director, Permitting and
Enforcement Division

Mr. Ted Rauh, Program Director

ALSO PRESENT

Mr. Eric Douglas, Leading Resources

Mr. Evan Edgar, CRRC

Mr. Mike Mohajer

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. Welcome to the
3 November 6th, 2007, Strategic Policy Development Committee
4 meeting.

5 There are agendas in the back of the room and
6 speaker slips on the table, if you'd like to speak to any
7 of our agenda items.

8 I'd like to remind people to turn off their cell
9 phones or put them in the vibrate mode if they intend to
10 speak.

11 Kristen, can you call the roll?

12 EXECUTIVE ASSISTANT GARNER: Chesbro?

13 COMMITTEE MEMBER CHESBRO: Here.

14 EXECUTIVE ASSISTANT GARNER: Danzinger?

15 Mulé?

16 COMMITTEE MEMBER MULÉ: Here.

17 EXECUTIVE ASSISTANT GARNER: Peace?

18 COMMITTEE MEMBER PEACE: Here.

19 EXECUTIVE ASSISTANT GARNER: Petersen?

20 COMMITTEE MEMBER PETERSEN: Here.

21 EXECUTIVE ASSISTANT GARNER: Brown?

22 CHAIRPERSON BROWN: Here.

23 Any members have any ex partes to report?

24 COMMITTEE MEMBER PEACE: Up to date.

25 CHAIRPERSON BROWN: Everyone is up to date.

1 And I think we'll go first then to Committee Item

2 B. Howard.

3 PROGRAM DIRECTOR LEVENSON: Thank you, Madam

4 Chair.

5 Howard Levenson, Director for Sustainability

6 Program.

7 And I have a couple of things to report to you

8 this morning.

9 First of all, I wanted to note we had an all-day

10 workshop yesterday on e-waste recycling. And it was in

11 this room and it was packed. I think Jeff Hunts and Matt

12 McCarron did a great job of getting input from

13 stakeholders on a variety of issues. And we'll be

14 bringing several items back to you over the course of the

15 next four to six months for your consideration, including

16 some of the net cost report issues and where the fee

17 structures are set. So I think that was a great workshop.

18 It was really the first formal gathering of interested

19 e-waste parties in about a year.

20 Yesterday you heard an update from Ted on the

21 fire disaster, and I just want to again commend Ted and

22 Waste Compliance and Mitigation Program staff and the

23 Sustainability Program staff for all the work they're

24 doing on that. I think it was quite amazing the picture

25 that was painted yesterday. So congratulations to

1 everyone involved and Board members for your efforts and
2 Ted for your efforts.

3 I also want to report that the last month we had
4 participated in the Women's Conference down in Long Beach.
5 There are nearly 14,000 women who gathered at the
6 conference, which was led by first lady Maria Shriver.

7 I think you know that in support of our efforts
8 to enhance large venue and event waste diversion programs,
9 we actively worked with event organizers to have a zero
10 waste luncheon in particular. It was called a "great
11 taste, no waste lunch." It was served using compostable
12 products. Most of those were made from paper or corn
13 starch. And we were able to divert nearly 8,000 pounds of
14 lunch waste from the event and take that over to community
15 recycling for composting. I think that was a good effort.
16 And Public Affairs managed the information booth in the
17 hall for the various folks to come by and see Board
18 information.

19 CHAIRPERSON BROWN: And during the lunch, Ed
20 Bagley made that number one in the things he highlighted
21 for green opportunity was we're all having a zero waste
22 lunch. It wasn't just the box and the thing. Actually,
23 there was discussion of how you can go green and.

24 PROGRAM DIRECTOR LEVENSON: Great. I'll just
25 thank Steve Usleton down in our southern California office

1 for all the behind-the-scenes efforts that he went through
2 on this one. And there's a lot to do when you're dealing
3 with Convention Center and various contracting provisions.

4 Just a couple of heads-ups. We have on November
5 14th the day after the Board meeting we'll have our
6 stakeholders forum on extended producer responsibility to
7 get more input from various stakeholders.

8 Coming up in December, we have a lot of different
9 items that are policy and other implications. We'll have
10 a summary of the organics work we've done and some
11 recommendations for you on how we're going to try to
12 handle that over the next six months, recommendations on
13 contract dollars.

14 We have the National Paint Dialogue MOU that will
15 come to you, grant awards for tire-derived products,
16 various requests for proposals on some of the contracts.
17 There's a lot coming to you over the next couple of
18 months.

19 That's really the end of my report this morning.
20 Be happy to answer any questions.

21 CHAIRPERSON BROWN: Any questions for Howard?

22 Ted, you look like you have a question.

23 PROGRAM DIRECTOR RAUH: No, I just have a brief
24 report item, too.

25 CHAIRPERSON BROWN: No questions for Howard. So

1 you're up. Thank you.

2 PROGRAM DIRECTOR RAUH: Thank you, Madam Chair.

3 Ted Rauh with the Waste Compliance and Mitigation
4 Program.

5 I just wanted to brief you all on one item
6 dealing with Sunshine Canyon. As you know, Sunshine
7 Canyon owner/operator filed a permit with the Board and
8 Board staff and completed its technical review. At the
9 same time requested the LEAs from the city and county of
10 Los Angeles to complete their own reviews.

11 We mutually met and provided the applicant with
12 the results of those reviews. And as a result, the
13 applicant has withdrawn the application and is intending
14 to re-submit it to the Board in the next two to three week
15 time frame.

16 As I think you are aware, there continues to be
17 discussion with the city of Los Angeles about the
18 appropriateness of the applicant's filing the application
19 with the Board. But we'll continue to work in that vein
20 as well and also started the negotiations process required
21 under regulation with both the LEAs to continue the
22 discussion of how we will work with them as the LEA for
23 this combined facility.

24 That's all I have to report today.

25 CHAIRPERSON BROWN: Thank you, Ted.

1 Since I skipped over reports, now we've done
2 them.

3 We'll go back and take up Item B. Not enough
4 coffee yet, Howard. Sorry.

5 PROGRAM DIRECTOR LEVENSON: That's okay. I
6 didn't know what Item B was. I have them by numbers.

7 CHAIRPERSON BROWN: We can make that
8 recommendation to change them and keep them by Committee
9 numbers and not do Item B, Consideration of
10 Recommendations for Streamlining Implementation of AB 75.

11 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
12 Chair. I'll introduce this item.

13 We are very pleased to bring this to you. It
14 reflects the kind of change in service delivery that you
15 and our executive director anticipated when we started the
16 reorganization. Specifically, we're seeking your approval
17 to shift the way in which we assist and evaluate State
18 agency diversion programs under AB 75.

19 State agencies generate less than one percent of
20 the waste in the state, but they're very importance
21 symbolically. They both lead by example and in some cases
22 they're major generators for specific jurisdictions.

23 Currently, our approach consists of receiving
24 over 400 reports a year. Reviewing them here in the
25 office and making various findings that we then report

1 back to you. That typically takes four to five staff full
2 time for about three months.

3 So we're proposing a different approach that we
4 believe will provide much better service to the State
5 agencies and at the same time ensure the integrity of the
6 program and continued high rates of compliance.

7 Basically, we're proposing that we shift from an
8 annual review of the reports to a biennial review of those
9 agencies that report less than 50 percent diversion or
10 that have significant changes in generation or disposal or
11 that have inconsistent data in some way. For those whose
12 program implementation is not adequate, we would then work
13 with the Waste Compliance and Mitigation Program to
14 implement the compliance reviews and procedures.

15 The tradeoff is that in turn we would increase
16 technical assistance by having staff actually visit State
17 agencies at least once per year. Right now, they rarely
18 are visited. And then we also would be able to evaluate
19 their programs on the spot and provide guidance in terms
20 of program improvement.

21 We also would institute random audits of these
22 agencies. So we would have much more in the way of a
23 field presence and oversight role and we think be much
24 more successful in moving them -- well, to maintain their
25 compliance and improve on their diversion programs.

1 So with that intro kind of overview, I'm going to
2 turn it over to Deb Kustic to give you more of the details
3 on how we will do this.

4 MS. KUSTIC: Good morning.

5 Statute requires State agencies to annually
6 report to the Board. But the Board is not required to
7 conduct an annual compliance review of those reports every
8 year.

9 State agencies serve an important role in leading
10 by example. And in some jurisdictions, as Howard noted,
11 their contribution to the waste stream is significant.
12 However, overall agencies contribute less than one percent
13 of the total disposal in California. And in the last
14 report year, almost 99 percent of the State agencies met
15 or exceeded their 50 percent waste diversion goal.

16 In light of the reorganization's goal of
17 increasing staff field presence, this item presents
18 options for streamlining the process to more effectively
19 use staff resources while still maintaining high
20 compliance levels and strong compliance oversight.

21 Staff believes Option 1 does just that through
22 shifting from annual to biennial report reviews for
23 selected agencies, shifting from annual to biennial
24 compliance reviews for selected agencies, enhancing
25 technical assistance, and conducting random audits.

1 Now because State agency reports are based on an
2 annual waste generation study, annual reporting by the
3 agencies is important so they are able to maintain
4 continuity for data collection purposes. However, the
5 annual review by the Board is not mandated. Thus, the
6 recommendation is still to require reports be submitted
7 annually, but to switch to staff reviewing reports
8 biennially for selected agencies that report less than
9 50 percent waste diversion, changes in generation and/or
10 diversion beyond specified parameters, data that's
11 generally inconsistent with our their operation such as an
12 office-based agency reporting a bunch of, say, grass
13 cycling, or for those agencies that submit a modified
14 report but don't qualify to do so.

15 Now all State agencies received a full report in
16 2007 for the 2006 program year with just six of the 396
17 agencies following below the mandated diversion goal.
18 Under the proposed recommendation, the next full review
19 would be conducted in 2009 for the 2007-2008 program
20 years. This process is similar to that which we follow
21 for the jurisdictions and would allow the jurisdiction
22 biennial reviews and the State agency biennial reviews to
23 be conducted on alternating schedules, thus balancing the
24 workload for staff.

25 Along with shifting to a biennial report review,

1 staff recommends shifting to a biennial compliance review
2 as well. Upon concluding their analysis, LAM staff would
3 transmit the reports of any non-complying agencies to the
4 Jurisdiction Compliance and Audit Section, JCA. JCA Will
5 conduct their own analysis and bring forward to the Board
6 an agenda item regarding any agencies not compliance with
7 the diversion mandates.

8 Now although compliance reviews are recommended
9 on a biennial basis, those agencies that fail to report on
10 an annual basis would be referred to JCA who would bring
11 an agenda item before the Board.

12 Furthermore, if an agency is not responsive or
13 making an effort to implement programs, Board staff would
14 reserve the right to bring the agencies before the Board
15 prior to the biennial review cycle.

16 To complement the recommended biennial reviews,
17 LAM staff would enhance site visits and technical
18 assistance to the agencies. LAM staff would conduct
19 annual or more frequent site visits for each agency,
20 increasing on-site verification of programs and providing
21 targeted assistance where it's needed the most.

22 By reducing the paper review and increasing our
23 presence in the field, which in the past has been limited,
24 staff will have more direct and immediate knowledge of the
25 programs that State agencies are or are not implementing.

1 This will enable staff to provide better customer service
2 by providing more real time assistance and increasing
3 compliance oversight.

4 Now finally this recommendation includes a random
5 auditing component. In addition to LAM conducting on-site
6 verification of programs, random audits drawn from all
7 submitted reports would be conducted by JCA. JCA would
8 conduct these audits on an annual basis, staffing and
9 resources permitting. Thus, even in the biennial review
10 off years, agencies would know their compliance could
11 still be audited and they would be visited by LAM staff.
12 JCA would be developing procedures regarding the number of
13 timing and the method of conducting those audits.

14 In summary, in the past, the Board has dedicated
15 considerable resources to reviewing State agency reports
16 and has been able to spend a limited amount of time in the
17 field with those agencies. The streamlining proposal is
18 designed to do the opposite of that by redirecting the
19 resources away from paper reviews and use them to increase
20 our presence in the field, and thus increase our technical
21 assistance and customer service to the agencies.

22 The proposal's consistent with strategic
23 directive 7.2 which calls fr ensuring effective and
24 appropriate outreach assistance to all jurisdictions in
25 State agencies focusing resources on regions where there

1 will be the greatest impact in overall diversion.

2 LAM staff's increased in-person presence coupled
3 with random auditing is designed to better align staffing
4 resources with priorities and stakeholders' needs while
5 still maintaining integrity of the compliance component.

6 That concludes staff's presentation. Thank you.

7 CHAIRPERSON BROWN: Thank you.

8 Does anybody have any questions? Member Chesbro.

9 COMMITTEE MEMBER CHESBRO: I have a couple of
10 questions.

11 One is that potentially the greater compliance
12 question is not necessarily the six, but whether or not
13 the reporting from all the other 99 percent is in fact
14 reflective of what's actually going on.

15 Can you remind me of how -- what I thought I
16 heard you saying and what I saw here was that the field
17 visits would be focused primarily on those six or those
18 who are not in compliance. I wanted to find out how we're
19 going to address -- when we talked previously, my
20 understanding was we were going to try to focus in on
21 making sure that it's not just paper compliance but in
22 fact the programs exist and reflect what the agencies are
23 claiming.

24 MS. KUSTIC: Right. That's exactly it. Each
25 year at least each agency would be visited by LAM staff.

1 COMMITTEE MEMBER CHESBRO: Each agency. I'm
2 sorry. I missed that.

3 MS. KUSTIC: From the information they gather
4 between the reports and their on-site visits, then LAM
5 staff would be able to direct their resources where that
6 assistance is needed most. It could be the six agencies
7 or some others that are meeting the mandate and could go
8 further or are in a jurisdiction that needs particular
9 assistance.

10 So all would be visited. And then based upon
11 those reviews and the paper reviews, the targeted
12 assistance would be balanced.

13 PROGRAM DIRECTOR LEVENSON: If I could add one
14 thing, Mr. Chesbro. As we had with the WRAP of the year
15 awards, we found things were not quite the same as what
16 was being reported to us. This will give us a better
17 handle when we are looking at the reports so we'll know
18 we've been out to the site. We've seen the programs. We
19 know that either it is running well or needs some
20 assistance.

21 COMMITTEE MEMBER CHESBRO: It's not hard to
22 imagine -- and I say this with some sympathy -- a strapped
23 state administrator saying, "Tell them whatever they want
24 to hear. That's not our primary business. Our job is to
25 do X. And so whatever we have to say to keep them off our

1 back."

2 So hopefully a greater level of engagement will
3 make it less likely that that would be the case.

4 PROGRAM DIRECTOR RAUH: I might also add that
5 we're also planning random audits from the compliance note
6 as well. So we'll be having a presence out there that's
7 separate from assistance.

8 COMMITTEE MEMBER CHESBRO: My second question is
9 around State agencies that have a disproportionate impact
10 on some communities, Sacramento being an obvious one,
11 because there's lots and lots of State agencies here. But
12 also small communities that are hosts to university or
13 prison for whom the waste stream is disproportionately
14 impacted by a State agency.

15 Is there anything -- and that's made reference to
16 in the agenda item. But is there anything in this process
17 that, if we had to make priority decisions about where to
18 focus our attention, would focus us where the agency has
19 the greatest impact on the local community's ability to
20 achieve compliance?

21 MS. KUSTIC: That's something that certainly
22 could be factored into the priorities. It would be where
23 they have a great impact on the local communities where
24 they're struggling to meet goals in the community or the
25 State agency. That's part of that equation.

1 COMMITTEE MEMBER CHESBRO: It seems like that
2 involves coordination with whoever is working with the
3 local jurisdiction. If the local jurisdiction is saying
4 the reason we're struggling is because the State agency
5 isn't doing a very good job and it's half our waste
6 stream, then that could hopefully help inform where we do
7 some prioritizing to help that local agency achieve
8 compliance by putting pressure on the State agency to do
9 their job.

10 MS. KUSTIC: That's the beauty of the way we're
11 structured in LAM. Now that we have that one contact
12 person, they have a more complete picture of what's going
13 on in a particular geographic area and the region as a
14 whole.

15 COMMITTEE MEMBER PETERSEN: Madam Chair, I think
16 this is a grand idea. Because now we're going to get our
17 staff out in the street to work with the locals, and
18 there's going to be other things that will develop out of
19 this that we're not thinking about right now. This is
20 where everyone starts to play the game. It's good.

21 CHAIRPERSON BROWN: It's a much better
22 utilization of staff time and strategic thinking that is
23 nice to see that you guys are out there and, you know,
24 looking strategically at how we can move the ball further
25 down the road and help jurisdictions without absorbing a

1 huge amount of staff time looking at stacks and stacks of
2 paper. But you're out there in the field and seeing
3 what's really going on. So I like the idea. It's a great
4 idea. Full giddy-up I think.

5 COMMITTEE MEMBER MULÉ: As Board Member Petersen
6 would say.

7 CHAIRPERSON BROWN: Anything else? Any other
8 comments, questions?

9 COMMITTEE MEMBER MULÉ: Madam Chair, I would like
10 to move Resolution 2007-219 with full support.

11 COMMITTEE MEMBER PEACE: Second.

12 CHAIRPERSON BROWN: It's been moved by Member
13 Mulé and seconded my Member Peace.

14 Kristen, call the roll.

15 EXECUTIVE ASSISTANT GARNER: Chesbro?

16 COMMITTEE MEMBER CHESBRO: Aye.

17 EXECUTIVE ASSISTANT GARNER: Mulé?

18 COMMITTEE MEMBER MULÉ: Aye.

19 EXECUTIVE ASSISTANT GARNER: Peace?

20 BOARD MEMBER PEACE: Aye.

21 EXECUTIVE ASSISTANT GARNER: Petersen?

22 BOARD MEMBER PETERSEN: Aye.

23 EXECUTIVE ASSISTANT GARNER: Brown?

24 CHAIRPERSON BROWN: Aye.

25 We have one speaker. I apologize. Mike Mohajer,

1 please come. We voted and we're in support. And since
2 you're in support, I don't think you're going to sway the
3 Committee's decision, but I still would like you to share
4 your thoughts.

5 MR. MOHAJER: Good morning, Madam Chair and
6 members of the Board. My name is Mike Mohajer. I'm
7 before you on my own behalf. I'm not representing anybody
8 at least on this particular item.

9 I was listening to Mr. Rauh talking about
10 Sunshine Canyon, which I wasn't going to speak about, but
11 there are a couple of issues for Sunshine Canyon that come
12 to mind. One is I really strongly recommend that the
13 Board works with the L.A. County LEA as well as the City
14 of L.A. LEA. That's one item.

15 Second item for the Sunshine Canyon, the city
16 portion of the landfill, they have only three years of
17 permit to operate. And after that, they move into the
18 phase two they have to get the permit from city of L.A.
19 In reference to the county portion of the landfill, right
20 now the land use permit for operating the city/county
21 landfill is not valid yet, because they have yet to comply
22 with all the local jurisdiction compliance, which is
23 basically land use permit.

24 I do understand that you guys are going to look
25 at only what is the solid waste permit is involved. And I

1 opposed it when the proposal came many, many times and got
2 ignored as usual. But that's the way it goes.

3 In reference to the Item B, I have been involved
4 with SB 1016, as you know, and I've been communicating.
5 One of the items in there that came to my attention was
6 that the Waste Board was recommending the 50 percent
7 disposal reductions starting with the year 2006. At least
8 that's the way the presentation was made.

9 CHAIRPERSON BROWN: No, that's not accurate.
10 There is a disposal reduction that would be equivalent to
11 what a 50 percent diversion would look like.

12 MR. MOHAJER: It would be fifty percent disposal
13 compared from year 2006, which comes up to be about
14 roughly 88 percent. At least --

15 CHAIRPERSON BROWN: That's not right, Mike. We
16 can explain it to you.

17 MR. MOHAJER: That would be fine.

18 CHAIRPERSON BROWN: People are getting confused
19 between diversion numbers and percentages and disposal
20 reduction numbers, which are significantly different.

21 MR. MOHAJER: But 50 percent disposal reduction
22 by the end of 2000 --

23 CHAIRPERSON BROWN: It's a 50 percent diversion.
24 When it goes to disposal reduction, it's like two percent,
25 three percent, right, would equal 50 percent. But that's

1 not the agenda item that we're talking about. So we can
2 talk to you about that at a separate forum afterwards --

3 MR. MOHAJER: That would be fine. We can discuss
4 that this afternoon over at the meeting this afternoon.

5 But anyhow, as I was looking at that and I looked
6 at this particular item that involved the State agency,
7 the first thing that ran through my head was I was looking
8 at the Public Resources Code and the reference has been
9 made in the staff report as well as the resolution to the
10 Public Resources Code Section 42920 through 42928. But
11 currently there's no Section 42922, 923, 927, and 928.
12 They don't exist in Public Resources Code. That would be
13 something maybe adopting the resolution that should be
14 correct.

15 The second item was that really the Board does
16 not have any regulatory control as to whether the State
17 agencies are going to be complying or not because the way
18 the law is written and says in the SB 1016 there is
19 language under the 42927.5 that recommends State agency as
20 well as school districts to participate. Then if you are
21 moving forward with SB 1016 as you recommended, then I
22 strongly recommend that you put some enforcement tooth
23 that the Board could implement with the State agency
24 rather than just patting on the back and doing nothing
25 more than that.

1 So that's basically what I would like to say.

2 Thank you.

3 CHAIRPERSON BROWN: Thank you. I don't think we
4 can address any part of 1016 which is not current law in
5 our current resolution. I's not part of the Public
6 Resources Code at this time. So we cannot reference or
7 make any changes.

8 But, Howard, would you like to comment about the
9 first part of the resolution that lumps several PRC code
10 numbers together? But then it individually references in
11 the rest of the resolution the specific parts of the PRC
12 code.

13 STAFF COUNSEL BLOCK: Let me go ahead and do
14 that.

15 I think frankly the -- and it's just in the title
16 of the resolution parenthetically it starts with the first
17 section of this article and through the last section of
18 the article. Mr. Mohajer is correct. There are a number
19 of sections between those have sunsetted since the
20 original version of the bill. They actually did exist
21 initially. They sunsetted because of the -- there's no
22 legal significance to the way this is phrased in the
23 resolution. If it's the pleasure of the Committee and the
24 Board, we could certainly adjust the citation. But it's
25 not going to impact the decision you made. It's just a

1 question of how you want that phrased.

2 CHAIRPERSON BROWN: It's just in the title. The
3 PRC Code section we're specially referencing is in the
4 rest of the resolution.

5 STAFF COUNSEL BLOCK: We could for instance
6 instead of saying 42920 through 42928, it could be 42920,
7 et seq, which is another way to cite that. That just
8 simply means any sections following. If that's the
9 preference of the Committee. It's just a question of how
10 you want that to look. We can certainly made that change
11 if you'd like.

12 CHAIRPERSON BROWN: What is the pleasure of the
13 Committee?

14 STAFF COUNSEL BLOCK: There is no legal
15 significance to making that change.

16 CHAIRPERSON BROWN: I'm fine leaving it the way
17 it is.

18 COMMITTEE MEMBER MULÉ: As am I, Madam Chair.
19 Thank you

20 CHAIRPERSON BROWN: Thank you.

21 All right. Thank you for being here Mr. Mohajer.

22 And I know you'll be here this afternoon or be across
23 the street in the discussions on 1016. Appreciate that.

24 Next we will move to Agenda Item 10 Committee
25 Item C, Update to Board on Implementation of Strategic

1 Directive 6, Market Development.

2 I think that's you, Howard.

3 PROGRAM DIRECTOR LEVENSON: Yes, Madam Chair. I
4 tried to think about how to present this item besides just
5 reading it to you. And what I thought I would do --
6 because it's a wide ranging directive.

7 CHAIRPERSON BROWN: How about if you stand up and
8 do a little song and dance.

9 PROGRAM DIRECTOR LEVENSON: Don't temp me. I'm a
10 dancer.

11 As you know, this focus is on developing
12 sustainable markets and encouraging source reduction and
13 recycling. And many activities support or are related to
14 implementation of AB 32.

15 We can proceed in a couple ways. I can kind of
16 run through and highlight a few things from each of the
17 sub-directives and then they have staff here who can
18 answer any specific questions if you want. Or if you
19 wanted to just plunge straight into questions, I would be
20 happy to do that.

21 CHAIRPERSON BROWN: That's fine.

22 PROGRAM DIRECTOR LEVENSON: Should I highlight a
23 few?

24 Well, Directive 6.1 is of course reducing the
25 amount of organics. We've had a number of workshops over

1 the last several months culminating last month in the
2 organic summit. As you know, cutting organics in half is
3 a huge task. If we look at it on a facility basis if we
4 were to handle all of those materials that would be
5 diverted from landfills, and depending on the size of the
6 facility and the type, we're talking on the order of 50 to
7 100 new facilities or kind of equivalent expansion of
8 existing capacity. So it's a huge task that we're looking
9 at there.

10 In order to move organics, we're also going to
11 have to have increased development of product standards
12 and increased procurement. We're going to have to deal
13 with some of the cross-media regulatory issues that you
14 heard about last month and certainly in other months.

15 These issues all interlink with a number of other
16 Strategic Directives. Strategic Directive 8 with some of
17 the regulatory issues. Strategic Directive 9 on technical
18 research and biofuels and bioenergy. And then of course
19 the underlying driver of climate change.

20 What we are planning to do in response to all of
21 this work is bring to you an initial item next month as
22 sort of a road map. There are so many issues in this that
23 we don't think we can do full analyses in a month. But
24 what we'd like to do is provide you a description of what
25 we see are the primary issues based on the various

1 workshops that we have had with different stakeholder
2 input and seek your direction on how to best focus
3 activities.

4 The item will include sort of a road map with
5 proposed time lines for analysis, when to bring specific
6 policy items to you for consideration, whether it might be
7 proposals for additional workshops, things like that.

8 We also wanted to bring to your attention you
9 recall that approximately \$450,000 from the Integrated
10 Waste Management Account contracting dollars was reserved
11 back in last fall for organics work. So we will be
12 bringing a set of contract concepts to you for
13 consideration as part of this December item.

14 So it's going to be a big item. We're working on
15 it this week. Review process is already in place. And
16 you know really be a discussion on what you want to focus
17 on, but then a consideration of the actual dollars we had
18 allocated.

19 Part of that I wanted to just highlight one of
20 the things that is in the agenda item today. As you know,
21 we've had a very successful collaboration with Caltrans,
22 UC, Association of Compost Producers, and U.S. Composting
23 Council on encouraging the purchase of compost by Caltrans
24 and other parties. This is an area we think should be
25 continued. It's an example of one of the activities we'll

1 be proposing to you in December for the contract funding
2 to continue that effort.

3 So there's a lot more on organics, but rather
4 than go into that, wait for your questions or have a full
5 discussion in December.

6 COMMITTEE MEMBER CHESBRO: I do have a question
7 on organics. And it's potentially a much bigger subject,
8 so I don't intend to have the full discussion here. And I
9 should have asked the question some time ago, but it's
10 only come to my attention recently. I don't know why it
11 didn't come up during the organic summit to a greater
12 degree.

13 But that is a question of our permitting system
14 and whether or not there are ways in which -- I should
15 have brought this up before Ted left. So he obviously is
16 going to have a great interest in this subject.

17 But whether or not there's ways that we are
18 holding back composting that where the balance of the
19 environmental and health issues associated with composting
20 we might be getting minor protections in comparison to the
21 obstacle that it presents.

22 And the reason I bring it up is because I have
23 two examples come to my attention in the last two weeks.
24 One was after the Board meeting last month I toured the
25 compost facilities in Ventura and was told that for

1 on-farm composters all this stuff is very seasonal and
2 cyclical in terms of when they're producing compost and
3 when they need to use it. And the fact that the volume
4 limits that are set don't account for the fact that
5 finished compost, which is the least volatile of the
6 materials that might be on site, is included I understand
7 in the limit for the amount of compost.

8 So if they're storing compost for future use,
9 that may be restricting their ability to function. And
10 I'm not sure it's doing much in the way of protecting the
11 public health. It's not un composted yard waste that it's
12 finished compost. It's finished compost that could be
13 stored in greater volumes for later use. That's one
14 example.

15 Another example -- this is probably true
16 elsewhere, but in the county where I live, Humboldt, I was
17 talking to the recycling market zone administrator who
18 said their efforts to do small scale food composting were
19 shut down essentially because very small composting, which
20 could happen below permitted requirements, just
21 registration requirements, are triggered into the permit
22 requirement because of the inclusion of food waste. And
23 yet they feel that the scale is at a small enough level it
24 ought to be considered.

25 This is a much bigger topic, and I don't intend

1 to have it fully discussed here. But my question is why
2 are we not -- it seems like a gap to me in the Strategic
3 Directive that we don't have a focus on examining the
4 composting regs to see if there's tweaks or adjustments
5 that can be made. I'm not talking about wholesale change,
6 but possibly moving some lines here or there that might
7 make a significant difference in terms of encouraging
8 compost production.

9 PROGRAM DIRECTOR LEVENSON: Member Chesbro,
10 that's a great example of -- and it actually was discussed
11 at the forum in one of the break-out sessions. So we will
12 be bringing those issues to you as part of the road map.
13 So not only the cross media regulatory issues, but are
14 there constraints that are being imposed by our existing
15 composting regulations. And those are two good examples.
16 There's always two sides to the story.

17 COMMITTEE MEMBER CHESBRO: I'm asking the
18 question. I'm not answering it, you know.

19 PROGRAM DIRECTOR LEVENSON: That would be we are
20 working with Ted's shop, Waste Compliance and Mitigation,
21 in developing this item. That would be part of the road
22 map that, for example, for food waste for our own
23 composting regulations what would be the schedule for
24 bringing some workshops to deal with those issues or some
25 proposals before the Board to explicitly deal with those.

1 Food waste composting has long been a subject of
2 concern to a lot of folks. And the Board made decisions
3 probably maybe five, six years ago about food waste, and
4 so that kind of the set the framework for the current
5 regulations. And we'd be happy to re-examine those.

6 COMMITTEE MEMBER CHESBRO: It just occurred to me
7 there's been a lot of focus on our part and the
8 composters' part about the regional air districts'
9 obstacles they present and we ought to be examining our
10 own house while we're examining other people's regulatory
11 obstacles in determining whether or not the balance of
12 benefit outweighs the negative side of it.

13 PROGRAM DIRECTOR LEVENSON: Totally agree. You
14 have our commitment to include that in the December item.

15 CHAIRPERSON BROWN: I think there is agreement up
16 here.

17 And technology has changed. What we know about
18 composting and the industry has changed over the last five
19 or six years. It's time to re-examine.

20 STAFF COUNSEL BLOCK: If I might just add quickly
21 on behalf of Ted, who isn't here, but I do know that in
22 January we'll be coming back before you with the annual
23 rulemaking calendar. But this year we're weaving in based
24 on one of the other Strategic Directives the regulation
25 review that you've also asked for. So between the two

1 efforts, you'll have ample opportunity to give us that
2 direction. And we'll be able to look at that.

3 CHAIRPERSON BROWN: Thank you.

4 PROGRAM DIRECTOR LEVENSON: Moving onto the
5 second subdirective which is the Market Assessment Action
6 Plan. As you know, we completed our initial pilot on this
7 last year and reported to you. This was in Marin County.
8 We reported to you late last year.

9 The next iteration was to target Sacramento
10 County. We have been working with a number of
11 stakeholders in the county to identify potential barriers
12 to potential projects. And these include construction and
13 demolition, food waste, plastics, green waste, and paper.
14 Right now, we've got a draft action plan that's has been
15 distributed to the stakeholders and they're commenting on
16 that. We will allocate staff resources to implement those
17 actions.

18 But in general, MAP is just one approach that
19 we're using to identify major barriers in regions around
20 the state. One of the focal points of our reorganization
21 we just heard about the AB 75 item is to get staff more
22 out in the field. So this includes not only a map
23 approach, but we've been calling them bus rides. We're
24 going out and trying to figure out what are the major
25 barriers in different regions and different jurisdictions.

1 And what can we do as the Board to facilitate market
2 development projects or whether it might be ordinance
3 development in a local jurisdiction. Kind of tie hand in
4 hand with jurisdiction efforts, but on a more regional
5 basis.

6 So I personally view the map approach as one tool
7 for trying to get a better understanding of what's going
8 on in a waste shed or a region. It's going to depend on
9 who the players are and what we can identify in those
10 areas.

11 Directive 6.3 and 6.4 both relate to the RMDZ
12 Program Recycling Market Development Zone Program. One
13 would ask us to have an increase in the -- percentage
14 increase in the number of loans that are going to targeted
15 businesses. And 6.4 would seek statutory authority to
16 remove the RMDZ loan cap by 2008.

17 As I indicated to you in a memo that I sent maybe
18 a month or six weeks ago, we have initiated an evaluation
19 of the entire RMDZ program. We had a workshop last week
20 Member Chesbro was at with the zone administrators and the
21 topic came up. We sent out a survey to zone
22 administrators asking them what their needs are. We have
23 our own issues and concerns, including how do we
24 effectuate these strategic directives.

25 And so we will be coming back to you with some --

1 we'll have to see what the survey results are. If there
2 are too disparate, we'll have to have a workshop or two.
3 Otherwise, if there's more commonality, then maybe we can
4 come back to you with an agenda item for some direction on
5 program issues as a whole and certainly how to better
6 achieve these two directives.

7 COMMITTEE MEMBER CHESBRO: Madam Chair, Did have
8 an opportunity to attend the zone administrators meeting
9 and workshop in Oakland a few weeks ago. And it's
10 catching up for me about what's been going on with the
11 zones since I left the Board.

12 And I'm in support in general of the Board's --
13 what appears to be trying to be more strategic in the use
14 of our loan program to link it to our other goals. And I
15 think that's a good thing.

16 But I also want to say that I think in the
17 process of moving in that direction -- and I think the
18 survey is an indication that we're trying to do this. But
19 I just want to reinforce the idea that the zones have
20 been -- at least in many cases. You can't make a flat
21 statement. In many cases have been our local partners
22 where there's enough community interest -- local community
23 interest to play an active assertive role. And it doesn't
24 hasn't always perfectly matched where the needs are. And
25 so that's I think the re-examination of the program.

1 But I think in the process of moving towards
2 being more strategic, we should not forget the value of
3 particularly those zones that have been really active as
4 having local partners.

5 You can say you want to have a certain type of
6 recycler in a certain part of the state. If you don't
7 have a proactive local agency that already has said we
8 want to do these things and therefore we'll be an advocate
9 to whatever the nimbi problem is or the local regulatory
10 issues are, you're not going to have as good a chance as
11 success.

12 So I want to make sure we don't overlook the
13 value of the existing zones, at least those that have been
14 proactive and engaged while we're looking at trying to be
15 more strategic. There's a balancing act that needs to be
16 accomplished.

17 That's my observations from our discussions with
18 the zone administrators. And I hope the survey process
19 and the discussion the staff had with the zone
20 administrators will facilitate working together. There
21 was a little bit of a fear in zone land there was a move
22 underway to undermine the zones. And I think there was a
23 reassurance that this is a collaborative process, and I
24 wanted to just reinforce that.

25 CHAIRPERSON BROWN: I don't think there was any

1 intention to do away with or change them completely. It
2 was more to make them more effective and to respond to the
3 community partners and provide the latitude and
4 opportunity to have greater loans available where
5 technology is more expensive and needs to be taken care
6 of. But I think the value in the loans is they take a
7 particularly difficult waste stream in their region and
8 they come up with businesses and things like that.

9 So, no. I'm looking forward to the evaluation
10 and the survey that's going to precede that so we can
11 actually be more responsive. Because I think that's
12 important. I'm glad you were there to allay their fears.

13 COMMITTEE MEMBER CHESBRO: One more comment I
14 would make is the staff made reference in their written
15 agenda item to in the Sacramento MAP effort partnering
16 with DOC and I want to provide encouragement to that,
17 because I think that having a better strategic
18 relationship with the division of recycling and trying to
19 figure out how to leverage our resources together is
20 something that has not been done sufficiently in the past,
21 understandably, because we're in different parts of state
22 government. But my opinion is that -- and I think they
23 have a director over there who feels this way as well, but
24 we as a Board ought to be --

25 CHAIRPERSON BROWN: Trying to reach out to them.

1 COMMITTEE MEMBER CHESBRO: And utilize each of
2 our resources together where we can focus them to create
3 maximum benefit for our common goals.

4 So I'd appreciate that that effort is happening
5 on a pilot basis here in Sacramento. And we should try to
6 do it whenever we can in other areas as well.

7 PROGRAM DIRECTOR LEVENSON: There are a couple of
8 other jurisdictions that DOC is working on. And we are
9 collaborating with them again with our LAM field staff.

10 On the RMDZ evaluation, certainly echo everything
11 that you said. I think one of the questions for us in
12 moving in the reorganization is what level of assistance
13 do we provide for businesses outside of zones? So we're
14 trying to make sure that we're addressing their needs as
15 well. And that's part of the reason for evaluating the
16 program. It's a good time to do that. Bring to you some
17 of the policy issues that are involved.

18 COMMITTEE MEMBER PETERSEN: Excuse me, Madam
19 Chair.

20 Howard, as we look at the RMDZ areas and those
21 that are more productive than others, are we going to
22 re-visit to see where we are with zones that are very
23 aggressive, those that have been sitting on it doing
24 nothing, transferring or trying to move out into other
25 communities to make those zones available to other

1 communities?

2 PROGRAM DIRECTOR LEVENSON: We certainly can
3 provide you with the historical record not just of loans.
4 The zone administrators do a lot besides work with us on
5 the loans. As Member Chesbro said, they are partners in
6 soliciting businesses, marketing, finding sites and things
7 like that.

8 COMMITTEE MEMBER PETERSEN: It has nothing to do
9 with our staff. It's the jurisdictions --

10 PROGRAM DIRECTOR LEVENSON: We can give you a
11 picture of which zones have been more active and which
12 ones are seeking to increase their activity over the next
13 few years and have that discussion of do we shift our
14 resources some to different zones. Do we look at having
15 some of the same kinds of services available outside the
16 zones but not the loan program. What mix do you want --
17 we're trying to provide service to the customers.

18 COMMITTEE MEMBER PETERSEN: Great.

19 PROGRAM DIRECTOR LEVENSON: This sort of segways
20 into the next directive.

21 By the way, again, if you'd like more details on
22 any of these things, the work with DOC or the work that
23 happened at zones works last week, we can provide more
24 information than I can. We have staff here.

25 But the next subdirective is the annual report on

1 developments and infrastructure. And obviously this is --
2 I referenced earlier with talking about organics we need
3 more facilities to handle more materials, not just
4 transfer stations and processing facilities, but more
5 manufacturing facilities and the like. So this
6 sub-directive focuses on tracking development of that
7 infrastructure.

8 It would allow both you and local decision makers
9 of greater ability to plan ahead, think about the
10 expansion of capacity in an area that's growing rapidly
11 for whatever reason, as well as to keep pace with any
12 goals that are newly set by the Legislature.

13 In August, you approved a contract allocation for
14 an infrastructure base line inventory and information
15 management framework. We'll be bringing the Scope of Work
16 to you in January upon your approval. We sent out the
17 Request for Proposals and are planning to award that
18 contract in probably May, April or May.

19 Subdirective 6.6 concern environmentally
20 responsible procurement. There's no existing database or
21 system for gathering information on the purchases of
22 environmentally preferable products, nor is there a
23 standard definition of what constitutes one of those
24 kinds of products. So right now we're not able to measure
25 progress in this area.

1 But we are continuing to work with DGS. They
2 have just hired a new point person who's going to oversee
3 overall EPP efforts. There was a new task force --
4 another task force meeting last week. I can't keep track
5 of when these meetings are. We have a new interim
6 procurement director, Adrian Farley, who's very energized
7 in terms of moving things forward.

8 We have talked with the new staff about a draft
9 plan for phasing in a measurement system. And the draft
10 plan does anticipate that the State will move towards some
11 type of e-procurement system that will provide for better
12 measurement system. It's a ways off. DGS and the Waste
13 Board are moving in that direction. We're hopeful this is
14 going to be implemented over the next year perhaps.

15 Lastly is the subdirective on green building
16 principles. And I wanted to mention in particular one
17 development in this. We've been working with the Building
18 Standards Commission, Department of Housing and Community
19 Development, and obviously building industry and other
20 stakeholders and the ongoing development of the -- ongoing
21 refinement of the California Building Code.

22 And as described in the agenda item, the Building
23 Standards Commission adopts State Building Code.
24 Department of House and Community Development develops
25 code for residential construction. Late last month,

1 Housing and Community Development selected some measures
2 for potential rulemaking next year. One of the measures
3 would include a construction and waste management plan for
4 recycling or salvaging waste. If this becomes effective,
5 virtually all new residential buildings will need to
6 divert 50 percent of their construction waste. This could
7 be a major step forward.

8 We have staff who are working on that
9 subcommittee and with the Building Standards Commission in
10 developing that. It's really out of our hands in terms of
11 when and how it's adopted. But we're certainly engaged in
12 that.

13 That's just a quick rundown of the different
14 things in the agenda item. Certainly some of these, the
15 EPP or organics, we can spend a lot more time answering
16 your questions. And various items are scheduled to come
17 before you in the next several months that will get more
18 of a policy debate consideration on your part.

19 CHAIRPERSON BROWN: Thank you, Howard. It is a
20 lot.

21 Does anybody have any more questions for Howard?

22 As Gary would say, I think you're in a full
23 giddy-up. So thank you very much. That's a grand
24 giddy-up.

25 COMMITTEE MEMBER PETERSEN: I love it.

1 CHAIRPERSON BROWN: Thank you very much. There
2 is a lot in that directive. So appreciate your efforts.
3 Everybody's efforts.

4 That takes us next to Committee Item 11 or Agenda
5 Item 11, Committee Item whatever number that is, C, D,
6 whatever.

7 Oh, Evan Edgar. Sorry. I'm not very good on the
8 speaker giddy-up today.

9 MR. EDGAR: You don't want the song and dance?

10 CHAIRPERSON BROWN: There was no Board action, so
11 we haven't set aside that agenda item. So Item 10, Mr.
12 Edgar.

13 MR. EDGAR: I was going to do the song and dance
14 you wanted.

15 CHAIRPERSON BROWN: The twelve step program.

16 MR. EDGAR: My name is Evan. I'm a composter.
17 I'm here to support Directive 6.1.

18 CHAIRPERSON BROWN: You have to be clear.

19 MR. EDGAR: I'm really close. My name is Evan
20 Edgar on behalf of the CRRC. I'm here today to support
21 directive number 6.1.

22 COMMITTEE MEMBER CHESBRO: I liked your previous
23 opening which nobody heard, which is I'm Evan. I'm a
24 composter. Go ahead.

25 MR. EDGAR: Thank you. And that is a twelve-step

1 program.

2 I've been on a trail of tier permitting for over
3 15 years now and been to the organic summit on the trail
4 of tiers. There's a cliffs with regards to permitting
5 that Mr. Chesbro pointed out.

6 Back in '01, the Waste Board did away the
7 registration permit tier. That's the middle tear that was
8 able to have locally permitted compost facilities moderate
9 size. And now there's a cliff that goes from 12,500 cubic
10 yards for agriculture composting all the way up to a full
11 permit. There is a middle ground that is available out
12 there.

13 CRRC is currently looking at the feasibility of
14 opening up the middle. I think that tour that we did down
15 in Ventura on agricultural composting has shed a new light
16 on agricultural composting and the ability to have clean
17 green, the trust of the farmers with agriculture specs, to
18 do that.

19 So I think this there is a great opportunity to
20 look at ag composting, open up the registration permit
21 tier, whereby it's local CEQA, local NDFE, and local
22 permitting. You don't have the same type of statewide
23 oversight for moderate size facility for a small town in
24 the central valley. So there is some opportunity there.
25 We're looking at it. And we may come back for some

1 proposals on how we can help. We can't be fooled it may
2 not solve all the answers. It's not the silver bullet or
3 the green bullet. It's something to help out the local
4 towns next to agricultural sector that have a short haul
5 distance to agriculture. We'd like to propose something
6 like that in the future.

7 As a whole, we support the whole Strategic
8 Detective Number 6. The biofuels workshop and organic
9 summit was very worthwhile and great leadership.

10 The life cycle economic analysis is a key study.
11 The CCAR is meeting next door on the landfill group. We
12 were able to spin off the recycling component and the
13 compost component as a protocol away from the landfill
14 project. We didn't want the landfill people to somehow
15 dictate the recycling and compost protocols. So we have
16 an ad hoc Committee going with that.

17 As part of the non-organic part, the recycling
18 protocols, we're looking at the greenhouse gas offsets.
19 Composting would be a lot trickier because of the fact
20 that the model doesn't really take account for the life
21 cycle assessment for composting. So we are looking
22 forward to the study that -- that's not me. So we're
23 looking forward to the life cycle assessment and volunteer
24 to be a stakeholder at any point along the way to bring
25 the agriculture composting parameters to the table.

1 We have a high success in a Ventura compost
2 facility that Senator Chesbro saw that water usage is down
3 30 percent, fertilizer down. The farmers are happy.
4 We're breaking through the agriculture spec. We'd like to
5 volunteer some of the case studies to get us the data that
6 is available and what format the study needs, a contractor
7 needs, in order to get that compost life cycle assessment
8 into a future protocol.

9 We believe Caltrans is doing a lot better job of
10 Waste Board funding on specs by going out in the field
11 from Tahoe to Redding to Fresno and architects are showing
12 up and looking at the specs. And U.S. Composting Council
13 is coming to Oakland in January where that will be another
14 great opportunity that we're going to have a big showing
15 there. So we are looking forward to highlighting more
16 compost specs there.

17 As a whole, the Waste Board did some great
18 leadership. We appreciate it. And the maybe the compost
19 middle can open up for more local permitting. Thank you.

20 CHAIRPERSON BROWN: Thank you, Evan.

21 Any questions?

22 PROGRAM DIRECTOR LEVENSON: Madam Chair, if I can
23 make one final statement on this item.

24 First of all, follow up on what Evan said about
25 U.S. Composting Council. We are working with the Council

1 and actually Caltrans to have a special workshop at the
2 conference on the Caltrans specs. So that will be pretty
3 exciting.

4 Then I failed to really thank staff for all the
5 work they've put in behind the scenes on this item.
6 Obviously, there's a lot of folks involved, Brenda, and
7 Shirley Shops, Fernando, Barbara Van Gee, Corky, John
8 Smith, a lot of folks who are involved. And I'm just
9 mentioning a few. As you know, there's a tremendous
10 amount of work going on on this directive.

11 CHAIRPERSON BROWN: Thank you, Howard. Thank
12 you, Evan.

13 Now we'll go to Committee Item D, Board Item 11,
14 which is the review of our Governance Policies Numbers 7
15 to 13, I think, Eric Douglas and Mark. Mark, did you want
16 to say anything before --

17 EXECUTIVE DIRECTOR LEARY: Don't need to, Madam
18 Chair. I think we're ready to go. Eric has done his
19 survey and --

20 CHAIRPERSON BROWN: Thank you, Kristen, for
21 helping facilitate the survey.

22 Eric, how did we do?

23 MR. DOUGLAS: Thank you, Madam Chair.

24 I echo the thanks to Kristen, because this was a
25 flawless process. So I think we're getting the system

1 down. We had all six Board members respond to the survey,
2 which was also great. So I hope and I trust each of you
3 has a copy of the report I generated at 4:30 or 5 o'clock
4 this morning. Good.

5 I would propose I just read through the report,
6 highlight what I found there, what we see there. And then
7 once we get past the recommendation section, come back and
8 look at specifically what you might want to do.

9 So let me just start by looking at each of the
10 individual governance policies and talk about what you
11 said.

12 With regard to GP 7, which is the role of the
13 Chair policy, four out of the six of the members said that
14 the Board was in compliance with this policy. Zero wanted
15 to change the policy. And the issue here revolved around
16 the annual work plan and the role of the Chair in
17 developing the annual work plan. That's Section D. It's
18 the same actual issue that came up last month or two
19 months ago when we reviewed one of the earlier governance
20 policy. And I know there was an intent and a resolve to
21 move forward with doing this in 2008.

22 With GP 8, six out of six said the Board was in
23 compliance with this policy, which refers to the Board of
24 Directors' Code of Conduct. And no members wanted to
25 change this policy. And there was no comments received on

1 this policy. So I infer from that that everybody is
2 feeling good about the Code of Conduct at the Board level.

3 Moving on to GP 9, GP 9 is the Committee
4 principles policy. Five out of six members said the Board
5 was in compliance with this. No members wanted to change
6 this policy. And here the issue was around Section F and
7 the question of whether the Board has maintained a
8 legislative appointee on all standing committees. So I'll
9 turn to that in a few moments.

10 On GP 10, which is the role of the Committee
11 Chairs, six out of six said the Board was in compliance
12 with this policy. There was one suggestion one member
13 wanted to change the policy. The first bullet point
14 alludes to a reminder that agendas are to be constructed
15 in a conjoined communication between the Chair of the
16 Committee and the Executive Director.

17 Second bullet --

18 CHAIRPERSON BROWN: Chair of the Board. I think
19 the policy said the Chair of the Board in consultation
20 with the Chair of the Board and the Executive Director.

21 COMMITTEE MEMBER MULÉ: Yeah.

22 CHAIRPERSON BROWN: Chair of the Board.

23 COMMITTEE MEMBER MULÉ: Chair of the Committee in
24 consultation.

25 CHAIRPERSON BROWN: Chair of the Board and review

1 with the Committee.

2 Committee Chair shall work in conjunction with the Chair
3 of the Board of the Directors and the Executive Director
4 in planning the Committee agendas.

5 The more substantive suggestion I think -- it's
6 been a good one -- to revise Section D to read, "Final
7 approval for inclusion in the Committee's agenda." I
8 think that somehow that's just a misstatement in the
9 policy that needs to be clarified.

10 CHAIRPERSON BROWN: No. But we're going to
11 discuss it. I had referred back to my notes when we set
12 that up. And why it was written exactly that way is
13 because the way the agendas are formed is as a result of
14 what the Board agenda is. And each Board agenda item is
15 determined which items are heard by which committees.

16 So the Executive Director -- actually, the
17 executive staff formulate the agendas, review them with
18 the Board Chair, and then the Committee Chairs in
19 consultation. So it was formulated that way as a result
20 of the way the agendas are derived, which is it's a Board
21 agenda, then a Committee agenda.

22 MR. DOUGLAS: Cascades down to a committee
23 agenda.

24 CHAIRPERSON BROWN: But I think when we get to
25 the discussion, we can talk about any additional items or

1 presentations and how those can be developed in
2 consultation with the executive staff and the Committee
3 Chairs for additional work. And that may stem out of our
4 discussion on how to develop the Board work plan and how
5 those maybe can evolve into part of the Committee agendas.

6 MR. DOUGLAS: Okay. So let's hold that thought
7 until the discussion later.

8 GP 11, which is the policy with regard to Board
9 of Directors training and orientation, four out of six
10 members said the Board was in compliance with this. No
11 one wanted to change the policy. Here the issue that
12 people raised was about training and orientation for Board
13 members and the training in facilitation for Committee
14 Chairs and Board Chair.

15 GP 12, which is the policy with regard to Board
16 of Directors review and internal records, six of six said
17 the Board was in compliance with this and no one wanted to
18 change the policy.

19 There was a question about clarifying the ability
20 of Board members' Board offices to review documents that
21 are in the full purview of the public anyway and what
22 access Board members should have to those documents.

23 And then with regard to GP 13, which is the last
24 of the GP governance process policies, there were six of
25 six people saying the Board was in compliance with this

1 policy. One suggestion to change the policy, suggestion
2 that perhaps this policy is superfluous. And we'll get to
3 that in a second.

4 So with regard to other comment, they were
5 sprinkled throughout the survey some other statements I
6 wanted to make sure that you were aware of.

7 With regard to GP 8, there was a question about
8 is there something similar to GP 8(e) in the Executive
9 Director's responsibilities that pertains to staff
10 conduct. GP 8(e) speaks to -- is a general statement
11 about -- I'll read it in a moment as soon as I find the
12 page. That, "Members of the Board of Directors shall
13 demonstrate loyalty to the interests of CIWMB. This
14 supercedes any conflicting loyalty such as that to
15 advocacy or interest groups and membership on other boards
16 and staff. Also supercedes the personal interest of any
17 Board member acting as a consumer of the organization's
18 activities."

19 I think that has some merit. Although looking at
20 the BL that talks about the Executive Director's role,
21 there is a clear statement there about adherence to
22 ethical codes and so forth.

23 GP 11, the comment there is that should the
24 training for and facilitation that's called for in GP 11
25 also be extended to other Board members who may not be

1 Committee Chairs who may on occasion have to be in the
2 role of Committee Chairs.

3 And then another comment that perhaps it is time
4 for a review of ethical laws, conflict of interest rules
5 so forth. I'm sure Elliot is chomping at the gum to do
6 that review.

7 And then finally a suggestion to replace all
8 references to the Board of Directors with Board and Board
9 members as appropriate and suggesting using Board staff or
10 staff references. The note was that in keeping with the
11 adherence and close alignment with statutory language we
12 should make sure that these policies are in proximity if
13 not exact alignment with statutory language.

14 So recommendations. So this section is really my
15 suggestions to you in terms of how to go forward with
16 these thoughts.

17 I do agree with that we should go forward and
18 replace the language about Board of Directors with Board
19 and Board members. We do want to make sure we are in
20 alignment with the statute. So it makes complete sense to
21 me to move in this direction. I think that's a fairly
22 easy re-write. Just means we have to go through here and
23 do a close search and replace on every reference to Board
24 of Directors.

25 GP 7, as I alluded to earlier, I think you're

1 already committed, Madam Chair, to moving forward with the
2 2008 Work Plan.

3 GP 9, this is one that I don't have any knowledge
4 about, whether or not there is a standing member from the
5 member from the legislative appointees side of the slate
6 on each standing Committee. I think this is one the Board
7 will want to discuss.

8 GP 10 we just discussed. And Madam Chair, you
9 articulated well why we want to keep the language as it
10 is. But there is the question of additional kinds of
11 items and presentation materials that may want to be
12 developed by a Committee Chair that don't cascade down
13 from a Board agenda that might be fair game for this
14 policy.

15 GP 11, I you think it is a good practice to have
16 a training plan.

17 GP 12 made perfect sense to me to try to clarify
18 in this policy what is the appropriateness of access to
19 the public records for Board members and Board offices.

20 And then GP 13, the idea of eliminating GP 13,
21 it's worth talking about why we have this policy. Other
22 entities do have a similar kind of policy in place. In
23 fact, looking at your Strategic Directives, there is at
24 least one that is denoted as a key value. The others are
25 denoted as core values. The purpose there again is to

1 ensure that there's a hierarchy. If you look at -- I
2 forget which one. Maybe someone can tell me quickly. Is
3 the SD that is framed as a key value. It's SD 9, research
4 and development of technology that we framed as a key
5 value with the idea that should it come down to a
6 allocation of resources, the things that are core values
7 would trump the things that are key values. In that
8 sense, I think there's useful perhaps signaling in these
9 policies then that helps you decide where to place these
10 resources.

11 EXECUTIVE DIRECTOR LEARY: Absolutely. And I
12 think as the Board refines its Strategic Directives, those
13 are not static documents or static statements. That there
14 may be greater use of a hierarchy of key versus core
15 values.

16 In fact, I would encourage the Board to use that
17 hierarchy, because it does provide meaningful direction to
18 staff on where to focus our efforts.

19 CHAIRPERSON BROWN: I think in the discussions we
20 identified the core values as those that were statutorily
21 required to adhere to as the priorities. And key values
22 are initiatives the Board would like to embark on given
23 resources and allocation of time and funds to continue to
24 pursue while maintaining our statutory requirements and
25 adherence to legislative mandates.

1 COMMITTEE MEMBER CHESBRO: My only concern you
2 need a definition section in order for me to remember
3 which are key or core, because to me they mean the same
4 thing. I would have to be reminded each time.

5 CHAIRPERSON BROWN: I think that's why as we were
6 going through and discussing them how we actually were
7 able to identify what's a priority and what's not.
8 Everything became a priority and how we differentiated was
9 that. And then we felt like there needed to be some
10 identification of which is a core value and which is a key
11 value, just because we are not all going to be here
12 forever, unfortunately. So it does need to be
13 articulated. So as this document -- we're not. We're
14 going to expire.

15 MR. DOUGLAS: We will sunset.

16 CHAIRPERSON BROWN: That's right. Like PRC
17 Codes.

18 Well, maybe we should go through each of the
19 recommendations and briefly discuss them and see if
20 there's anything we can move forward with during the next
21 Board vote. And then if there's things that we would like
22 to work on to come before the Policy Committee maybe next
23 month.

24 The first recommendation is to go through and do
25 a search and replace for Board of Directors and just put

1 the Board and identify Board staff as Board staff. I
2 support that.

3 COMMITTEE MEMBER MULÉ: Agree.

4 COMMITTEE MEMBER CHESBRO: Yes.

5 COMMITTEE MEMBER PETERSEN: Yes.

6 COMMITTEE MEMBER PEACE: Yes.

7 CHAIRPERSON BROWN: Can we do that by Tuesday,
8 Elliot?

9 STAFF COUNSEL BLOCK: You certainly could. This
10 is a discussion item here today. So we don't have ten
11 days before --

12 CHAIRPERSON BROWN: So the answer is no.

13 STAFF COUNSEL BLOCK: The plan like we did with
14 GPs 1 through 6 was have the discussion today and then
15 bring this back next month for you to adopt the changes
16 you directed.

17 CHAIRPERSON BROWN: Let's do that. So we'll
18 adopt in December that change.

19 GP 7, begin on the Board's Work Plan. I think
20 just trying to get our ducks in a row and figure out the
21 review of the Strategic Directives and how we review our
22 policies has occupied most of our time this year.

23 But I did mention and let you all know we are
24 going to do a Board retreat in January to discuss the Work
25 Plan and how that might come forward. So the Work Plan

1 will be developed in January at the Board retreat. We
2 will circulate the dates for that.

3 Any comments regarding that or suggestions?

4 COMMITTEE MEMBER CHESBRO: Are we going to do
5 that on Santa Cruz Island?

6 CHAIRPERSON BROWN: That would be a great idea.
7 That's our spring review.

8 The next one, GP 9, verify whether the Board has
9 not maintained a legislative appointee on all Committees.

10 COMMITTEE MEMBER CHESBRO: I was being too
11 literal and too technical. But the reality -- and
12 obviously you all have allowed me to participate in your
13 committees whether I'm a member or not. But during the
14 time there was a vacancy, we were not technically in
15 compliance. I don't know if it really matters, but I just
16 was pointing it out.

17 CHAIRPERSON BROWN: You were absolutely correct.

18 COMMITTEE MEMBER CHESBRO: If you were going to
19 technically comply -- and I'm not asking for this. It's
20 hypothetical because we have a full Board. If there
21 weren't a full Board if there was a vacancy and leg.
22 appointee and you wanted to be in compliance, then the
23 leg. Appointee should serve on both Committees. I'm not
24 arguing for that. I'm just pointing it out.

25 CHAIRPERSON BROWN: There's no stipulation for

1 whether we did or didn't. And I think the thought process
2 which -- I mean, I don't know that it even matters, but it
3 is a point well taken. Each Board member sat on one
4 standing Committee, which means that the legislative
5 member would sit on two committees, not one. Doesn't
6 really matter to me.

7 COMMITTEE MEMBER CHESBRO: You could resolve by
8 saying except when there's a vacancy and a legislative --
9 I'm not arguing the sole legislative appointee when
10 there's a vacancy serve on both.

11 COMMITTEE MEMBER MULÉ: That's what I was
12 thinking. If we don't have a full slate of Board members
13 or we have an opening and the legislative slot, then we
14 can make an exception.

15 COMMITTEE MEMBER CHESBRO: Whatever.

16 CHAIRPERSON BROWN: I think that's fine.
17 Actually, I think it's probably a good idea, because
18 what's important about these documents is when there
19 isn't -- when we're not here, because we've expired or
20 whatever, we've sunsetted, the governance policies speak
21 for themselves. So it should articulate that when there
22 is a vacancy that the standing Committees will be
23 appointed with an interim Board member, whether it's a
24 legislative member. I mean, we have to have full standing
25 Committees also; do we not? We should have full standing

1 Committees whatever the --

2 EXECUTIVE DIRECTOR LEARY: We have in our past
3 had two member committees because of vacancies.

4 STAFF COUNSEL BLOCK: Two answers.

5 Very easy for us to wordsmith this to make it
6 clearer. I think at the time it doesn't occur to us to
7 read it the other way. But it can be read that way.

8 Just to get some direction then. The direction
9 for what the bring back next month would be in fact we
10 make sure that where there are vacancies on the Board as a
11 whole, the Committees will still always have three, which
12 may mean one member is on more than one Committee. That's
13 the direction that -- okay.

14 CHAIRPERSON BROWN: Well, I think it probably
15 should be for all. If we're down to a certain number of
16 administration appointees as well. If there's one
17 legislative appointee and one vacancy and an
18 administration has not appointed their members, you know,
19 we're going to have to have full committees.

20 STAFF COUNSEL BLOCK: I think what we did for the
21 five months or six months, we considered the -- well, just
22 this year we considered the vacancy as if it was assigned
23 to the one Committee. And that's why I wanted to clarify.
24 You're actually talking about filling that -- so there's
25 always three members on each Committee.

1 COMMITTEE MEMBER MULÉ: That's different from
2 having a legislative appointee on all Committees.

3 STAFF COUNSEL BLOCK: Right. There's two
4 different issues you're raising.

5 COMMITTEE MEMBER MULÉ: We need to clarify that.
6 Because what I just suggested is that if there is an
7 opening or there is only one legislative appointee on the
8 Board, then they may not necessarily have to -- they're
9 not required to serve on all standing Committees. So
10 that's my recommendation.

11 STAFF COUNSEL BLOCK: Right. That was one issue.
12 But what I also was hearing was specifying that where
13 there are some vacancies and the Board as a whole, you
14 wanted something that said at least for an interim period
15 there would always be three individuals assigned the each
16 Committee as opposed to a vacancy.

17 CHAIRPERSON BROWN: GP 9(e) says standing
18 Committees have three members. So if there are less than
19 four gubernatorial appointees currently sitting, then we
20 couldn't have full standing Committees. So I think it
21 just needs to be constructed that there shall be a
22 legislative member on each standing Committee. And in the
23 event of a vacancy, they may sit on both. And the same --
24 you know, there may be -- another vacancy may be filled in
25 an interim basis by another appointee. I just think may

1 allows us to be that flexible.

2 MR. DOUGLAS: So do we have good clear direction?

3 STAFF COUNSEL BLOCK: I believe I do, yes. And
4 obviously I'll be bringing back to them next month. So if
5 I don't get it right, I'll hear.

6 CHAIRPERSON BROWN: But it will be an action item
7 so we'll review it early enough.

8 And then so we've talked about GP 10. And I
9 think when we do the Board retreat, it would be worthwhile
10 in developing our Work Plan to talk about some additional
11 presentations that the Committee Chairs would be
12 interested in adding to your agendas.

13 COMMITTEE MEMBER CHESBRO: Actually, I did have a
14 question about that, which is -- I'm not a Committee
15 Chair, so it's not directly my concern.

16 But if just out of curiosity if a Committee Chair
17 want an informational item that isn't going to go to a
18 Board agenda, how does that work? I assume they have the
19 authority to do that.

20 CHAIRPERSON BROWN: They do. And they just
21 usually mention it to me and Mark and bring it forward.

22 COMMITTEE MEMBER CHESBRO: That's accounted for
23 in the way the thing is written?

24 CHAIRPERSON BROWN: Yeah. And it also accounts
25 for other than Committee Chairs. If you wanted a

1 presentation by a group when we were talking about an item
2 or just because you had been someplace or whoever, you
3 know, I'd like to have USGBC come present. I was at this
4 conference. I think it would be worthwhile to hear a
5 presentation on green building and what they're doing to
6 advance green building. So any Board member can bring an
7 item to the Board by request.

8 MR. DOUGLAS: I'm not hearing you suggest we make
9 a modification the GP 10.

10 CHAIRPERSON BROWN: I don't think so. Does
11 anybody -- okay.

12 Training plan needs to be developed. Training
13 and facilitation could be offered all Board members. I
14 think it's great idea. The question is do you want it at
15 the Board retreat to do sort of a little session on
16 training, or do we want to have them separate?

17 I know Tom's been offering all of the trainings
18 to all of us as he's developed the annual training plan so
19 we can engage in those. There's not one specifically yet
20 on facilitation, but I'm sure that's going to be on Tom's
21 agenda.

22 So if we want anything different, if Board
23 members want to, when I send out the survey on the Board
24 agenda for the Work Plan retreat, add that any trainings
25 or things that would be of interest. It will probably be

1 one day, no overnight, within driving distance. Probably
2 the day after the Board meeting since you're all up here.

3 COMMITTEE MEMBER CHESBRO: I was read Cheryl's.
4 She's probably going, within driving distance of where?
5 Wasn't that what you were thinking?

6 COMMITTEE MEMBER PEACE: San Diego is a nice
7 place.

8 COMMITTEE MEMBER PETERSEN: Santa Barbara is
9 good.

10 CHAIRPERSON BROWN: Santa Cruz Island. Santa
11 Cruz Island is not drivable.

12 GP 12, clarify the nature of the internal records
13 under consideration here and clarify the ability of the
14 Board members.

15 Mark, recollect me, or Elliot. I think this was
16 just an acknowledgement that Board members should have the
17 same access to public records as the public does when they
18 make their Public Records Act requests.

19 EXECUTIVE DIRECTOR LEARY: I wouldn't dare say
20 otherwise. I don't know where this comes from. I mean --

21 CHAIRPERSON BROWN: I don't remember.

22 EXECUTIVE DIRECTOR LEARY: Why is there a
23 concern.

24 CHAIRPERSON BROWN: I remember it coming up when
25 we did it, and I can't remember why it's in there. Of

1 course, we all have access to every single public record
2 that any public member would have.

3 EXECUTIVE DIRECTOR LEARY: Absolutely.

4 COMMITTEE MEMBER MULÉ: I think it was just
5 clarified.

6 MR. DOUGLAS: As I think as we were developing
7 this policy, the initial focus was on confidential
8 personnel records and other things that are in the
9 confidential category.

10 EXECUTIVE DIRECTOR LEARY: Because we were
11 assuming in the back of our mind the non-confidential
12 stuff is available.

13 MR. DOUGLAS: So unfortunately or fortunately,
14 the word confidential got stricken from this particular
15 policy. So it doesn't really allude to that kind of
16 policy in this language.

17 STAFF COUNSEL BLOCK: I mean, there is a
18 reference in there. If it would be helpful again, whoever
19 it was that had that concern, we can certainly add a
20 couple of words to make that distinction so that it's
21 clear that this was only talking about confidential
22 records.

23 CHAIRPERSON BROWN: That's fine.

24 STAFF COUNSEL BLOCK: I'll try to word Smith
25 something.

1 CHAIRPERSON BROWN: Okay. I think we already
2 discussed GP 13, when we sunset, making sure people know
3 what we meant by key and core.

4 Any other comments?

5 Eric.

6 MR. DOUGLAS: Thank you, Madam Chair. Thank you,
7 members, for once again doing a wonderful job monitoring
8 your policies what good governance means. We always
9 monitor our policies.

10 CHAIRPERSON BROWN: Thank you.

11 Questions? New business? Old business?

12 Any public comment, two members of the public?

13 Thank you. This meeting is adjourned.

14 (Thereupon the California Integrated Waste.

15 Management Market Development And Sustainability

16 Committee adjourned at 11:30 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
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5 That I am a disinterested person herein; that the
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8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 15th day November, 2007.

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